

REMARKS

This Amendment responds to the Office Action mailed July 7, 2010 in the above-identified application. Based on the foregoing amendments and the following comments, allowance of the application is respectfully requested.

Claims 1-27 were previously pending in the application. By this Amendment, claims 1, 8 and 21 have been amended, and claims 18-20 have been canceled without prejudice or disclaimer. New claim 28 has been added. Accordingly, claims 1-17 and 21-28 are currently pending, with claims 1, 8 and 21 being independent claims. The amendments find clear support in the original application at least at page 7, lines 10-13. No new matter has been added.

The Examiner has rejected claims 17-20 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 18-20 have been canceled without prejudice or disclaimer. It appears that claim 17 may have been erroneously included in the rejection, since claim 17 is directed to a method rather than to a computer program product. Based on the foregoing, withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

The Examiner has rejected claims 1-27 under 35 U.S.C. §103(a) as unpatentable over Boys et al. (US 5,875,448) in view of Yokota et al. (EP 0597483). The rejection is respectfully traversed for the following reasons.

Boys discloses an audio editor in a handheld device that allows a user to edit the audio in its audio form (Abstract and col. 3, lines 8-36). Boys describes a playback mechanism wherein a user can rewind and fast forward the audio using a thumbwheel that, when activated by the user, indicates how far and how fast to rewind or fast forward. The playback mechanism of Boys does not utilize word-marking data. Boys states that “a machine has a real problem determining where one word ends and another begins” (col. 2, lines 45-47), thus teaching away from generating word-marking data as claimed.

Yokota discloses a disc playback method for fast playback of a disc in cue and review modes (col. 1, lines 7-9). In hybrid playback, which is a combination of fast playback operations in cue and review modes, Yokota describes rewinding a first number of data blocks and then playing forward a second number of data blocks (col. 11, lines 8-24). Yokota describes a Table

of Contents (TOC) which includes start and end addresses of individual programs recorded on the disc (col. 8, lines 31-35). However, Yokota fails to disclose assigning word-marking data to the start of each spoken word in the audio data. In Yokota, the distance of the rewind and playback is based on blocks of data or programs, not word boundaries.

In the Response to Arguments section of the Office Action, the Examiner argues that Boys teaches generating word-marking data, the word-marking data indicating locations of word boundaries between spoken words within the audio data and linking words in the audio data to corresponding words in the text data. Applicant must respectfully disagree.

The Examiner, as support for this argument, refers to a passage in Boys which states “The problems in general voice recognition also are far from trivial...a machine has a real problem determining where one word ends and another begins” (col. 2, lines 42-47). Boys describes the problems with voice recognition systems as justification for the disclosed voice editing apparatus. The cited passage can hardly be characterized as teaching word-marking data where Boys does not even mention word-marking data and describes the “real problem” in determining where one word ends and another begins. Applicant submits that Boys teaches away from the use of word-marking data.

The Examiner, in the Response to Arguments section of the Office Action, also refers to a passage in Boys which describes a function wherein a user may speak a word or phrase, and the system will rapidly search the document for a data string to match the digital print of the spoken phrase (col. 14, lines 17-22). The cited passage fails to disclose word-marking data which indicates locations of word boundaries between spoken words within the audio data and linking words in the audio data to corresponding words in the text data. Instead, Boys describes matching between the digital print of the spoken phrase and the audio data. Matching two sets of audio data to find a spoken phrase is very different from using word-marking data to indicate locations of word boundaries.

The Examiner concedes that Boys does not teach “initiating a backward jump, counter to the forward sequence over a distance corresponding to a length of at least N words using the word boundaries indicated in the word-marking data, to a target position, and then, starting from the target position, the control means initiates a replay of K words of the audio data in the

forward sequence using the word boundaries indicated in the word-marking data, where K is less than N , the control means further controlling the audio replaying means and the display means automatically repeat performing the reverse mode playback operation while the system is in the reverse mode" (Office Action, page 6). However, the Examiner asserts that Yokota teaches the limitations that are lacking in Boys. Applicant must respectfully disagree.

Yokota describes that review playback is performed program by program, but cue playback is performed within each program. Yokota describes that after completion of the fifth program, the playback jumps from the last data position of the fifth program to the beginning of the fourth program and the cue playback of the fourth program is performed (Fig. 8 and col. 11, lines 8-23). According to Yokota, the distance of the rewind and playback is based on blocks of data or programs, which correspond to start and end addresses on the disc (col. 11, lines 24-25 and col. 8, lines 31-39). Yokota fails to teach rewind and playback based on word boundaries between spoken words within audio data, wherein the word-marking data is assigned by the voice recognition means to the start of each spoken word in the audio data, as claimed. The start and end addresses of a program may be considered boundaries of the program. However, Yokota contains no teaching of word-marking data assigned to the start of each spoken word in the audio data, as claimed. Nor does Yokota teach rewind and playback based on word-marking data assigned to each spoken word.

Accordingly, the combination of Boys and Yokota does not disclose or suggest *generating...word-marking data, the word marking data indicating locations of word boundaries between spoken words within the audio data and linking words in the audio data to corresponding words in the text data, wherein the word-marking data is assigned by the voice recognition means to the start of each spoken word in the audio data*, as required by amended claim 1. Furthermore, the combination of Boys and Yokota does disclose or suggest *initiating a backward jump, counter to the forward sequence, over a distance corresponding to a length of at least N spoken words using the word boundaries indicated in the word-marking data, to a target position, and then, starting from the target position, the control means initiating a replay of K spoken words of the audio data in the forward sequence using the word boundaries indicated in the word-marking data, where K is less than N* , as required by amended claim 1.

For at least these reasons, amended claim 1 is clearly and patentably distinguished over Boys in view of Yokota. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 2-7 depend from claim 1 and are allowable over the cited references for at least the same reasons as claim 1.

Amended claim 8 is directed to a method for replaying audio data stored in at least one memory and recites, in part, generating word-marking data assigned to the start of each spoken word in the audio data and performing a reverse playback operation based on word boundaries in the word-marking data. As should be apparent from the above discussion, amended claim 8 is clearly and patentably distinguished over the combination of Boys and Yokota. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 9-17 and 28 depend from claim 8 and are patentable over the cited references for at least the same reasons as claim 8.

Amended claim 21 is directed to a system for replaying stored data and recites, in part, generating word-marking data assigned to the start of each spoken word in the audio data and replaying the stored audio data in a reverse mode using the word boundaries indicated in the word-marking data. As should be apparent from the above discussion, amended claim 21 is clearly and patentably distinguished over the combination of Boys and Yokota. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 22-27 depend from claim 21 and are patentable over the cited references for at least the same reasons as claim 21.

Based upon the above discussion, claims 1-17 and 21-28 are in condition for allowance.

CONCLUSION

In view of the above amendment, Applicant believes the pending application is in condition for allowance. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. N0484.70057US00 from which the undersigned is authorized to draw.

Dated: October 6, 2010

Respectfully submitted,



William R. McClellan
Registration No.: 29,409
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
617.646.8000